APPENDIX: LIST OF *AMICI CURIAE*

Irving Adler is a prominent mathematician and math educator, who has authored or co-authored more than 80 books on mathematics, science and education. Adler started his career in 1932 as a math teacher in New York City public schools. He lost his position in 1954 when he refused to answer questions from the New York Superintendent of Schools about his political beliefs. Adler was a plaintiff in a Supreme Court lawsuit challenging the constitutionality of the New York "Feinberg" law, providing for dismissal of teachers belonging to "subversive organizations." *Adler v. Board of Education of City of New York,* 342 U.S. 485 (1952). The Supreme Court upheld the Feinberg law, but later reversed in *Keyishian, supra.*

Ernst and Jessica Benjamin are the son and daughter of Herbert and Lillian Benjamin. Ernst is a political scientist and retired General Secretary of the American Association of University Professors. Jessica Benjamin is an internationally known psychoanalytic psychologist and author. Herbert Benjamin was active in the hunger marches of 1930 and 1932, the Unemployed Councils, the campaigns for social insurance, and the Worker's Alliance. He professed his Communist Party membership in congressional testimony in the late 1930s but refused to testify about others after he left the Party about 1946. The Benjamin family was subject to recurrent FBI surveillance both before and long after Herbert Benjamin left the Communist Party, including workplace and neighborhood investigative interviews and deportation efforts intended to persuade Herbert Benjamin to testify about the

activities of others. The Benjamin children were subject to their mother's anxiety about their father's possible deportation, and to harassment at school such as a teacher repeatedly lecturing Jessica on the virtues of Senator McCarthy and a school administrator who noted "needs political guidance" in Ernst's high school record. Ernst's focus on academic freedom has familiarized him with the parallels between "McCarthyism" and current excessive constraints on academic speech and association arising from the "war on terror." Jessica has taught and studied in Chile, Argentina, Germany, and Israel where she has observed and discussed with other mental health professionals how political persecution deprives children of the orderly interpersonal environment that nurtures fully functional adults.

Walter Bernstein is a writer who was blacklisted in the 1950s by HUAC. After being blacklisted, he continued to write under pseudonyms. He was nominated for an Oscar for writing The Front, the Woody Allen/Martin Ritt film about the blacklist. He is a recipient of The Writers Guild of America East Lifetime Achievement Award and he also wrote the book "Inside Out: A Memoir of the Blacklist".

Judy Branfman is the great-niece of Yetta Stromberg. As a 17-year-old leader of the Young Pioneers (the youth organization of the Communist Party) in Los Angeles, she ran a summer camp for working class children. In 1929, the camp began to fly a homemade red flag in the morning and within days it was raided and shut down. Stromberg was sentenced to 1 to 10 years in San Quentin Prison for

violating California's "Red Flag Law," which criminalized displaying a red flag. Stromberg appealed her conviction and the U.S. Supreme Court found portions of the law unconstitutionally vague. *Stromberg v California*, 283 U.S. 359 (1931). While the case set precedent for hundreds of free speech and civil rights cases, the FBI continued to track Stromberg for decades because of her early activism and suspected membership in the Communist Party. She was blacklisted and fired from teaching jobs with UCLA and Los Angeles public schools during the 1940s and 50s. Although never called before HUAC, she lived in constant fear of a subpoena. Prevented from fulfilling her true goals as an educator, she taught in private schools and very rarely talked about her case with anyone.

Jean Rouverol Butler is an author, actress and screenwriter whose husband, screenwriter Hugo Butler, was blacklisted in the 1940s. During that time period, Hugo Butler published under Jean Rouverol Butler's name. In 1951, in order to avoid being subpoenaed by HUAC, she and her husband fled to Mexico, thereby avoiding facing prison sentences for failing to answer questions. She returned to the United States in mid-1960s. The author of several books, in 2001 she published "Refugees from Hollywood: A Journal of the Blacklist Years."

Clifford Carpenter is an actor who was blacklisted in the late 1940s for his political views, and for years was unable to get work in radio, television and film. He was called before HUAC while in a play by Dore Schary called *Sunrise at Campobello* about Franklin Delano Roosevelt.

Carpenter refused to answer questions about his prior involvement in the Communist Party before the Committee. Carpenter led the struggle against the blacklist in the New York local of the American Federation of Television and Radio Artists. He acted in a number of Broadway hits as well as hundreds of radio shows, including playing Terry on the popular radio series, "Terry and the Pirates."

Irwin Corey is a prominent comedian, performer and satirist. He was blacklisted during the 1950s for his left-wing political opinions. As a result of the blacklist he was unable to get the kind of work that his talent and experience would have permitted. Due to the after-effects of the blacklist, Corey was not able to get work on television and movies until the 1970s and 1980s.

Professor H. Chandler Davis (Ph.D. Harvard 1950) was a non-tenured junior faculty member at the University of Michigan when he was questioned by the HUAC in 1954. Refusing to answer was easy: one simply had to invoke the Fifth Amendment protection against self-incrimination. Davis avoided doing so, deliberately incurring indictment for contempt of Congress. He hoped to argue, on appeal to the Supreme Court, that the HUAC hearings were unconstitutional under the First Amendment. His appeal was denied certiorari, and he served time in Danbury Federal Correctional Institution. Blacklisted permanently from regular employment in his profession in the United States, he has had a successful professional life since 1962 at the University of Toronto (but retained his U.S. citizenship). This included vice presidency of the American Mathematical Society 1991-1994; and

many guest lectureships, including in the U.S. In 1990, the University of Michigan Senate Assembly established a special lecture on Academic and Intellectual Freedom in honor of Davis and two other Michigan faculty members fired for refusing to testify before HUAC.

Clarke Dunham is the son of Barrows Dunham, whose book, *Man Against Myth*, a New York Times best-seller in 1947, made him a spokesman for American progressive thought, drawing the attention of the FBI which then tracked which university classrooms used the book as a text. A compelling speaker, Barrows Dunham appeared at many events, and those events appeared within his FBI files. Many friends and acquaintances became victims of the Un-American Activities Committees and professional blacklists. He tested the idea of becoming an ex-patriate, the choice of many others, but soon returned to America□ what he referred to as "God's Country". In February 1953, supported by Albert Einstein, Dr. Dunham was a candidate for a Ford Foundation grant when he was subpoenaed to appear before HUAC. Refusing to give the Committee more than his name, date and place of birth, he was quickly indicted for contempt of Congress. That same day the Ford Foundation denied the grant. Temple University suspended him from his position as professor and Chairman of the Philosophy Department the following day. Temple later fired Barrows for "intellectual arrogance" and "obvious contempt of Congress." His trial resulted in a directed verdict of acquittal and in fact established a legal landmark□ the point at which a person could legally and safely refuse to testify against one's friends and associates. His contempt no longer

"obvious" and his defiance of government oppression vindicated, Temple nevertheless refused to reinstate him. Twenty-eight years later Temple did reinstate Barrows with a meager pension. Not only Barrows suffered. His wife, Alice Dunham, was forced out of her job at the Philadelphia Museum of Art. Several generations of the Dunham family endured financial hardship and emotional scars directly caused by the blacklist, and two generations of students shared the loss of a well loved and inspiring teacher.

Henry Foner and his three brothers (now deceased) were victims of the McCarthy-like Rapp-Coudert Legislative Committee investigating communism in New York public schools and colleges. Henry's brothers Phillip, Jack and Moe -- along with about fifty other City College teachers -- were suspended due to their political beliefs as a result of the Rapp-Coudert committee, and Henry was denied a public school teacher's license. Later, Philip taught at Lincoln University in Pennsylvania and authored close to 100 books on labor, Black and women's history. Jack taught at Colby College in Maine and was honored by the college upon his retirement there. Moe founded the world-renowned *Bread and Roses* cultural program at the Service Employees International Union - 1199. Henry received the Legion of Merit and Italian Military Valor Cross during his military service and went on to serve as president of the Fur, Leather & Machine Workers Union, covering workers in New York, New Jersey, Pennsylvania, Delaware and West Virginia for 27 years until his retirement in 1988.

Professor Ann Fagan Ginger was a victim and close family member of victims of the McCarthy Era

"red scare." In 1954 the Harvard University Business School broke the contract of Ginger's husband, professor Ray Ginger, when the Gingers refused to answer questions about their political affiliations. He was blacklisted and could only get a teaching job in Canada for many years. This broke his marriage and led to his death at the age of 50 of alcoholism. Ann Ginger could not get admitted to practice law in Massachusetts, New York or California from 1952 until 1972 because she could not pass the FBI-administered "character" test. Nevertheless, during this period she argued and won a case in the U.S. Supreme Court contesting a contempt citation by the Ohio Un-American Activities Commission. *Raley v. State of Ohio,* 360 U.S. 423 (1959). In 1970, after ten years of editing books for the University of California Continuing Education of the Bar, she was fired when the FBI visited her new supervisor. Her brother-in-law, professor Edward Yellin, also suffered from blacklisting after refusing to answer questions before HUAC, although he won his case in the U.S. Supreme Court in 1963. *Yellin v. U.S.,* 374 U.S. 109 (1963).

Roderic Gorney is the son of Jay Gorney and the step-son of E. Y. Harburg. Together, Gorney and Harburg wrote "Brother, Can You Spare a Dime." With other composers, Harburg wrote the lyrics for "The Wizard of Oz," for which he won an Academy Award for the song "Somewhere Over the Rainbow," and "Finian's Rainbow," among other classic American musical works. Both Gorney and Harburg were listed in the initial Blacklist publication, "Red Channels." Harburg was named by a "friendly witness" before HUAC, actor Robert Taylor, based on

lyrics to a song in a movie in which Taylor had starred. When asked by his studio, MGM, to testify before HUAC voluntarily, Harburg refused and responded that "Guilt by association is a European doctrine which has always been repudiated in this country, and it is about time that decent liberals and good Americans fought back. . ." Roy Brewer, the "keeper" of the Hollywood Blacklist, informed Harburg that he was labeled a "Red" based on a song he wrote for a 1940 musical starring Lena Horne, who was also blacklisted. In the hysteria of the McCarthy Era, Brewster accused Harburg of writing the song, "Happiness is Just a Thing Called Joe" as a tribute to Joseph Stalin. Harburg was blacklisted in Hollywood and denied a passport when he sought to leave the country. Roderic Gorney saw first-hand the devastating effect of "guilt by association" on his family and his family friends.

Sondra Gorney is the widow of Jay Gorney, the renowned composer of "Brother, Can You Spare a Dime" and other classic songs. In 1950, both Sondra and Jay Gorney were listed in Counterattack, a publication of the organization AWARE, as "reds." Among the reasons Jay was accused of being a Communist was that he had signed a statement issued by the National Council of Arts, Sciences and Professions (NCASP), calling for the abolition of HUAC. In 1952, both Sondra and Jay Gorney were subpoenaed to testify before HUAC, but only Jay Gorney appeared before the Committee. When asked "Are you now or have you ever been a Communist?", Gorney took the Fifth Amendment. Although he avoided going to prison, both he and Sondra lost their careers. The hysteria of the McCarthy Era cast a lasting pall on the

Gorney family, particularly their two young children who were six and eight at the time of the hearings.

Yolanda "Bobby" Hall was active in racial integration efforts in Chicago on behalf of the League of Women Voters in 1965 when she was subpoenaed to appear before HUAC and refused to give testimony. Hall is a founder of the Working Women's History Project and a former President of Local 330 of the United Automobile Workers Union. Hall was a plaintiff in *Stamler v. Willis,* 287 F. Supp.734 (D. Ill. 1968), a case challenging the constitutionality of the HUAC.

Paul Harris is a graduate of Boalt Hall law school and teaches at Golden Gate School of Law in San Francisco. He is the son of Sydney Harris, who joined the Communist Party while volunteering to fight fascism during the Spanish civil war. After returning to the U.S., Harris was blacklisted and unable to get a job in the labor movement. His phone was tapped by the government in 1952, and he was unable to get a job as a labor journalist until well after he left the Communist Party in the mid 1950s. Paul Harris is also the nephew of Fred Fine, a Communist Party leader indicted under the Smith Act in 1951. Fine went underground for four years and was tried and convicted after his voluntary surrender, despite the absence of evidence that he ever engaged in any act of violence. His conviction was reversed after the Supreme Court decision in *Yates, supra.* He resigned from the Party in 1957. He went on to become Commissioner of Culture for Chicago in 1984. Paul Harris' mother, Rose Fine, also an intermittent Communist Party member, was subject to continuous FBI investigation and

harassment due to her brother's affiliation. She left the Party in 1952 and was fired from seven jobs between 1952 and the Fall of 1953, all after she had left the party. Each firing resulted from FBI visits to her employer. She was once threatened with felony prosecution for a minor offense unless she gave information about her brother. The FBI repeatedly harassed the family, visiting neighbors and relatives to ask questions, and once attempting to interrogate 8-year-old Paul.

Peter Hodes is the son of Dr. Robert Hodes, a victim of a McCarthy Era firing. Dr. Hodes was a neurophysiology professor at Tulane University who spoke out in favor of peace in opposition to the Korean War. He tried to integrate the housing for visiting professors attending conferences in New Orleans. He had cooperative relations with some scientists from the Soviet Union. He was fired in 1953 for expressing these unpopular political beliefs, but Tulane University disguised its political motivation and instead charged him with causing "friction" within his department. Dr. Hodes fought unsuccessfully to keep his job at Tulane through the university's internal review process. After he was fired, Dr. Hodes was blacklisted and unable to find another comparable job. Unable to find work in his field, Dr. Hodes moved, with his wife and three children, to England. Then, from 1954 until 1959, he and his family moved to China, where he was able to continue his professional career.

Beth Keehner Lamont is the widow of Dr. Corliss Lamont, a leading philosopher, teacher and defender of human rights. Dr. Lamont was a founder of the National Emergency Civil Liberties

Committee, which later became the Center for Constitutional Rights, and a Director of the American Civil Liberties Union from 1932 - 1954. As a consequence of his political beliefs, Dr. Lamont was investigated by Congress, cited for contempt of Congress, denied a passport by the State Department, and subject to FBI wiretaps and investigations of his finances. Dr. Lamont won a successful lawsuit against the U.S. Postmaster General for opening mail in violation of the First Amendment, *Lamont v. Postmaster General of the United States,* 381 U.S. 301 (1965). Dr. Lamont authored numerous books, including The Philosophy of Humanism.

Richard Lees is the son of Robert Lees. Robert Lees was a well-known screenwriter of comedies for Abbott and Costello, among others, when he was called to testify before HUAC. Lees refused to do so, telling the Committee that "a writer writes for the people, who are both his inspiration and his audience. The political freedom of the people guarantees the writers tools of his trade □freedom of thought and expression." For Lees, it was important that a "writer must also function as a citizen" to guarantee freedom of thought and expression. Lees was blacklisted from Hollywood. Having lost his profession, he moved his family from Hollywood and took a job as a maitre'd to support them. Although Lees later wrote for television under various pseudonyms, he never recovered his screenwriting career.

Professor Lee Lorch is a nationally and internationally recognized mathematician, elected to the Councils of the American and Canadian

Mathematical Societies, and a Fellow of the American Association for the Advancement of Science. He has received four honorary doctorates and other prestigious academic awards. He was elected as a Fellow of the Royal Society of Canada and served on its Council. Professor Lorch paid a heavy professional price, including being blacklisted, for his commitment to civil rights and equal opportunity for women and minorities. In the late 1940s, the Lorches participated prominently in the campaign to eliminate racial segregation in Stuyvesant Town, a housing development in New York City. As a result, Lee lost his position at City College of New York. Later he was dismissed from his position at Pennsylvania State University because he allowed an African American family to live in his Stuyvesant Town apartment. This was reported on the front page of The New York Times, and the paper published an editorial calling for his reinstatement. Lorch was summoned to testify before HUAC in 1955, after attempting to enroll his daughter in a neighborhood, African-American school in Nashville, Tennessee, where he and his family were living and working at the time. When Professor Lorch refused to answer a number of questions the Committee put to him, he was dismissed from his position at Fisk University and indicted for contempt of Congress. Although Professor Lorch was acquitted of the contempt charge, he was blacklisted. Finding himself unemployable in the U.S., he and his family moved to Canada in 1959, where Professor Lorch has had a distinguished career. He has remained a U.S. Citizen. During World War II, he served for three years in the U.S. Army and received an honorable discharge.

Dr. Hilda W. Ornitz is the daughter-in-law of screenwriter Sam Ornitz, one of the "Hollywood Ten." Ornitz was one of the oldest of the group of ten individuals subpoenaed as "unfriendly" witnesses before HUAC. Ornitz was also an organizer and board member of the Screen Writers Guild, the trade union organized in the mid-1930s as an answer to the Academy of Motion Pictures Arts & Sciences. Ornitz was called before HUAC in 1947 to answer questions about the Screen Writers Guild. He invoked his constitutional rights and refused to answer the Committee's questions. Ornitz was charged and convicted for contempt of Congress, and sentenced to a fine of $1,000 and a year in prison. He was blacklisted by Hollywood, and never again wrote for motion pictures. He died a few years after his release from prison.

Harrison Randolph and **Martha Eoline Randolph** are the children of Tony-award winning actors John Randolph and Sarah Cunningham. Both Randolph and Cunningham were blacklisted by the Hollywood studios after having been "named" for supporting progressive causes. They were unable to get film work, or work in radio or television in New York City, after 1951. They invoked their Fifth Amendment rights and refused to testify before the HUAC in 1955. Randolph was not rehired in Hollywood until 1966. After his return to Hollywood, Randolph was a board member of the Screen Actors Guild and other professional organizations. Randolph said he served on these boards as a living reminder not to forget or repeat the McCarthy Era.

Joan Scott, **Aemilia Scott**, **Douglas Scott**, and **Adam Scott** are the wife, great niece, nephew and great nephew, respectively, of Adrian Scott, a member of the so-called "Hollywood Ten," and a producer and screenwriter whose professional life was cut short by the Hollywood blacklist. As a consequence of political activity at Amherst College and in Hollywood, and especially after producing a film entitled "Crossfire" dealing with anti-Semitism in the U.S. Army, Adrian was brought before HUAC to explain his alleged ties to the Communist Party. Rather than taking the Fifth Amendment, Adrian and nine other members of the Hollywood community opted to invoke their First Amendment rights. Adrian argued before HUAC against guilt by association, stating, "I do not believe it is proper for this committee to inquire into my personal relationships, my private relationships, my public relationships." For this, and after being named by 'HUAC friendly' witnesses, he and the other members of the Hollywood Ten were blacklisted and jailed for contempt of Congress. Adrian spent nine months in prison. Adrian's Hollywood career was effectively ended, forcing him to write under a pseudonym, use a "front," and eventually leave the United States entirely to find work. He died in 1971, within a few years of returning to the U.S. Aemilia is herself working to become a screenwriter, and honors the principled stance that Adrian took and the price he paid for his dissent.

Joan Wallach Scott is a professor of Social Science at the Institute for Advanced Study in Princeton NJ. She is the daughter of Samuel Wallach, who was fired from his job as a New York City high school teacher in 1953. Sam Wallach

refused to answer questions about his personal political beliefs in 1948 before a congressional investigating committee and then again when the Board of Education asked whether or not he was a member of the Communist Party. Nothing in Wallach's 18 year record as a teacher indicated that he was unfit to be in a classroom. It was the presumed danger of his political beliefs that led to his firing, and to the dismissal or forced resignation of some 350 New York City public school teachers during that period. In his statement to a congressional committee and the Board of Education, Wallach stated "As a teacher and believer in fundamental principles, it seems to me that it would be a betrayal of everything I have been teaching for me to cooperate with this committee in an investigation of a man's opinions, his political beliefs, his religion, or private views."

Bella Stander is the daughter of the late Lionel Stander, a film, stage, television and radio actor who was active in many progressive social and political causes. Stander was first subject to an early "blacklist" in the 1930s because of his active role in progressive trade unions and anti-Fascist organizations. Although he was publicly cleared of accusations of being a communist by the Los Angeles District Attorney in 1940, years later he was again accused of being one. He was subpoenaed to appear before HUAC in 1953, and as a result was blacklisted from radio, TV and Hollywood. Lionel Stander sparred vigorously with the Committee, defending his constitutional rights and denouncing HUAC for trampling them, which made front-page news from coast to coast. Columnist Walter Winchell, who had supplied material on

Stander to the FBI, then demanded that he be ousted from his role in the touring production of "Pal Joey." J. Edgar Hoover wrote in his FBI file, which covers some 30 years: "Be certain Stander doesn't use FBI to regain respectability."

Jo Wilkinson is the daughter of Frank Wilkinson, the director of the Los Angeles Housing Authority in the 1940s. In early 1952, he was called before the California State Un-American Activities Committee, ostensibly to testify on the alleged infiltration of communists into the administration of public housing. Wilkinson appeared but refused to answer questions, and was fired from his job as a result. Jo Wilkinson's mother, Jean, also refused to testify about her political beliefs, and was fired from her job as a public school teacher. She was not able to obtain employment again as a public school teacher until 1965. In 1956, and again in 1958, Frank Wilkinson appeared before HUAC, but refused to answer questions. Instead, he asserted that the Committee's role and questions violated the First Amendment. In 1961, he was jailed for contempt of Congress and served nine months in federal prison. The Wilkinson home was firebombed during this time and, like many other families, the Wilkinson's were subject to constant surveillance from unidentified men in unmarked cars.

Becca Wilson and **Rosanna Wilson-Farrow** are the daughters of screenwriter Michael Wilson, who was called to testify before the HUAC in late 1951. Wilson served honorably as a Marine lieutenant in the Pacific Campaign during World War II. When he was called to appear before the Committee and refused to answer certain of their questions, Wilson

was branded an "unfriendly witness" and blacklisted. Just six months later, he won his first Oscar for Best Screenplay for "A Place in the Sun," which he had written before being blacklisted. Because of the blacklist, for 15 years Wilson was forced to write "under the table," work for a fraction of his former compensation, and was denied the honors and public acclaim he would have received for his extraordinary creative achievements. Wilson had to live in exile with his family for eight years in order to be able to work as a writer. In 1956 Michael Wilson's screenplay for Friendly Persuasion was nominated for the Academy Award, and was strongly favored to win, but he was quietly disqualified because of the blacklist. His name did not appear in the credits, and became one of the only films in Hollywood history credited to no screenwriter at all. In 1957, Wilson and another blacklisted writer, Carl Foreman, cowrote the screenplay for *The Bridge Over the River Kwai*. Because of the blacklist, the film's screenwriting credit simply said, "Screenplay Based on the Novel by Pierre Boulle." Although the film won the Academy Award for "Best Writing, Screenplay Based on Material from Another Medium," the Oscar statuette went to Boulle, the novelist on whose book the screenplay was based, a Frenchman who barely spoke English. Wilson also wrote the screenplay for 1962's "Best Picture" Oscar winner, *Lawrence of Arabia*. For three decades, he was denied writing credit for these and other films considered among the best screenplays of the twentieth century. As a result of pressure on the Motion Picture Academy exerted by Wilson's surviving friends in the screenwriters' guild, in 1984 Wilson was awarded a posthumous Oscar for *Bridge Over the River Kwai*, and posthumous Oscar

nominations for *Lawrence of Arabia* in 1984, and *Friendly Persuasion* in 1995. Michael Wilson's family suffered emotionally and financially due to the blacklist. All of this took an enormous toll on Wilson, who died at a relatively young age.